

**MEMORANDUM**

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**TO:** The Commission

**FROM:** Timothy E. Duggan, Administrative Law Judge

**DATE:** June 19, 2014

**SUBJECT:** Illinois Central Railroad Company, Onarga Township, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the 1600N/TR 555 highway-rail grade crossing of the Illinois Central Railroad Company's track near Gilman, Iroquois County, Illinois, designated as crossing AAR/DOT #288 991W, railroad milepost 83.20-M.

**RECOMMENDATION:** Enter Second Supplemental Order authorizing re-obligating GCPF assistance of \$12,114.92.

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On August 5, 2013, Illinois Central filed a Petition for a Supplemental Order authorizing a re-obligation of \$12,114.92 in GCPF assistance, for a final total GCPF obligation of \$124,099.08 GCPF contribution. The re-obligation is to cover reimbursements amounts authorized after the originally authorized reimbursements were paid. A prior Supplemental Order granted an extension of time to complete the project.

The original Order was entered on March 11, 2009. The Order required IC to install new automatic flashing light signals and gates controlled by constant warning time circuitry at a crossing near the Village of Gilman, in Onarga Township in Iroquois County. The Order allocated cost percentages among the parties, including GCPF assistance, which was capped at \$154,904.00, except that any installation costs above the total estimated cost of \$182,240.00 would be eligible for GCPF assistance in the same percentages subject to approval by the Commission.

Hearing was held on January 15, 2014. IC previously was reimbursed for costs totaling \$111,984.16, which covered the work required by the original Order. The remaining \$29,745.36 authorized GCPF assistance was de-obligated.

Subsequently, IC received notification from the FHWA and IDOT that IC would be allowed to increase their additive rates for work performed on or after January 1, 2010. On April 10, 2012, the Company submitted an updated final bill to collect money authorized under the new additive rates. The money the Company seeks in this matter is \$12,114.92 above that previously reimbursed. The total of the prior amount reimbursed and the additional amount requested is less than the original obligated GCPF amount. However, since the balance of the original amount has been de-obligated, a re-obligation of \$12,114.92 in GCPF assistance would be required.

Staff and IDOT each have no objection. Onarga Township did not participate. A Proposed Order was issued to all Parties and Staff. No exceptions were filed.

I recommend entry of the attached order approving re-obligation of GCPF assistance.